

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JUN 15 2016

BY  
DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

§

V.

§

§

CRIMINAL NO. 6:16CR 34

§

JUDGE MHS / KNM

§

MARCUS CLARK (01)

§

**SEALED**

ANTHONY JOHNSON (02)

§

COUNG VIET PHAM (03)

§

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**COUNT ONE**

Violation: 21 U.S.C. § 846

(Conspiracy to possess with intent to distribute  
methamphetamine, a Schedule II controlled  
substance)

Beginning on a date unknown to the United States Grand Jury, and continuing thereafter until at least June 1, 2016, in the Eastern District of Texas and elsewhere, **Marcus Clark, Anthony Johnson, Coung Viet Pham**, the defendants herein, did knowingly, intentionally and unlawfully, combine, conspire, confederate, and agree with each other and with others, both known and unknown to the United States Grand Jury, to violate the laws of the United States of America, to wit, 21 U.S.C. § 841(a)(1), prohibiting the possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), a Schedule II controlled substance.

All in violation of 21 U.S.C. § 846.

**COUNT TWO**

Violation: 21 U.S.C. § 841(a)(1) (Possession with intent to distribute methamphetamine)

On or about August 23, 2015, in the Eastern District of Texas, **Marcus Clark**, defendant herein, did knowingly and intentionally possess with intent to distribute methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

**COUNT THREE**

Violation: 18 U.S.C. § 924(c)  
(Use, carrying, and possession of a firearm during and in furtherance of a drug trafficking crime)

On or about January 14, 2016, in the Eastern District of Texas, **Marcus Clark and Anthony Johnson**, defendants herein, did knowingly and intentionally use, carry, and possess a firearm during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, that is conspiracy to possess with intent to distribute methamphetamine, a Schedule II controlled substance, as charged in Count One of this indictment, and in furtherance of said conspiracy possessed a firearm, in violation of 18 U.S.C. § 924(c).

**COUNT FOUR**

Violation: 21 U.S.C. § 841(a)(1) (Possession with intent to distribute methamphetamine)

On or about March 1, 2016, in the Eastern District of Texas, **Marcus Clark and Anthony Johnson**, defendants herein, did knowingly and intentionally possess with intent

to distribute methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

**COUNT FIVE**

Violation: 21 U.S.C. § 841(a)(1) (Possession with intent to distribute methamphetamine)

On or about June 1, 2016, in the Eastern District of Texas, **Marcus Clark and Coung Viet Pham**, defendants herein, did knowingly and intentionally possess with intent to distribute methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1).

**COUNT SIX**

Violation: 18 U.S.C. § 922(g)  
(Felon in possession of a firearm)

On or about January 14, 2016, in the Eastern District of Texas, **Anthony Johnson**, defendant herein, having been convicted of an offense punishable by a term of imprisonment exceeding one year, specifically: Evading Arrest, in Case No. 007-1951-09 in the 7<sup>th</sup> District Court, Smith County, Texas on February 22, 2010 and Aggravated Robbery, in Case No. F-96-1181-1, in the 241<sup>st</sup> District Court, Smith County, Texas on October 10, 1997 did knowingly and intentionally possess a firearm, to wit: Browning model HiPower 9mm pistol, s/n 245NZ57126, which had been shipped and transported in interstate commerce, in violation of 18 U.S.C. § 922(g).

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**  
**Pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853, & 28 U.S.C. §2461**

As the result of committing one or more of the foregoing offenses alleged in this indictment, the defendants herein shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853 and 28 U.S.C. § 2461:

1. any property constituting, or derived from, and proceeds the defendants obtained, directly or indirectly, as the result of such violations;
2. any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, and/or;

**CASH PROCEEDS**

\$10,000.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is proceeds obtained directly or indirectly as a result of the commission of the aforesaid violations.

**FIREARMS:**

1. Browning model HiPower 9mm pistol, s/n 245NZ57126.

**Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendants.

By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853 and 28 U.S.C. § 2461.

A TRUE BILL



GRAND JURY FOREPERSON

JOHN M. BALES  
UNITED STATES ATTORNEY



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Date



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FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. 6:16CR_____
	§	JUDGE_____
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MARCUS CLARK (01)	§	<b>SEALED</b>
ANTHONY JOHNSON (02)	§	
COUNG VIET PHAM (03)	§	

**NOTICE OF PENALTY**

**COUNT 1**

Violation:	21 U.S.C. § 846 (Conspiracy to possess with intent to distribute and distribution of 500 grams or more of methamphetamine, a Schedule II controlled substance)
Penalty:	Imprisonment for a term of not less than 10 years or more than life, a fine not to exceed \$10,000,000, or both. A term of supervised release of at least 5 years in addition to such term of imprisonment.
Special Assessment:	\$100.00

**COUNTS 2, 4, 5**

Violation:	21 U.S.C. § 841(a)(1) (Possession with intent to distribute and distribution of methamphetamine, a Schedule II controlled substance)
Penalty:	Imprisonment for a term of not more than 20 years, a fine not to exceed \$1,000,000, or both. A term of supervised release of at least 3 years in addition to such term of imprisonment.
Special Assessment:	\$100.00

**COUNT 3**

Violation: 18 U.S.C. § 924(c) (Use, carrying, and possession of a firearm during and in furtherance of a drug trafficking crime)

Penalty: Imprisonment for a term of not less than 5 years or more than life, which must be served consecutively to any other term of imprisonment, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 5 years in addition to such term of imprisonment.

In the case of a second or subsequent conviction of this offense, the term of imprisonment shall not be less than 25 years.

Special Assessment: \$100.00

**COUNT 6**

Violation: 18 U.S.C. § 922(g) (Felon in possession of a firearm)

Penalty: Imprisonment for a term of not more than 10 years, a fine not to exceed \$250,000, or both. A term of supervised release of not more than 3 years.

Special Assessment: \$100.00